

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF TEXAS

No. 6:22-cv-00413

Leonard Smith,
Plaintiff,

v.

LPD,
Defendant.


ORDER

On October 24, 2022, plaintiff Leonard Smith, proceeding pro se, filed this civil-rights lawsuit pursuant to 42 U.S.C. § 1983. Doc. 1. The case was referred to United States Magistrate Judge John D. Love pursuant to 28 U.S.C. § 636(b). Doc. 2.

On February 20, 2023, the magistrate judge instructed plaintiff, within thirty days of receipt of the order, to either pay the \$402 filing fee or submit an application to proceed in forma pauperis along with a current six-month history of his inmate trust fund account. Doc. 8. The order was mailed to plaintiff at his last known address at the Gregg County Jail on February 21, 2023. On March 10, 2023, the order was returned to the court marked as “return to sender” and “not at this facility.” Doc. 10. On March 15, 2023, the magistrate judge entered a report recommending that plaintiff’s case be dismissed for want of prosecution and failure to obey an order. Doc. 11. The report noted that plaintiff failed to provide a change of address to the court. No objections were filed.

When no party objects to the magistrate judge’s report and recommendation, the court reviews it only for clear error. *See Douglass v. United Servs. Auto. Ass’n*, 79 F.3d 1415, 1420 (5th Cir. 1996). Having reviewed the magistrate judge’s report and being satisfied that the report contains no clear error, the court accepts its findings and recommendation. Accordingly, the complaint is dismissed for failure to prosecute and for failure to comply with a court order.

So ordered by the court on May 31, 2023.



J. CAMPBELL BARKER
United States District Judge